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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional): 112740-421

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on _____

Signature _____

Typed or printed name: Heather Foster

Application Number	Filed
09/509,408	March 27, 2000

First Named Inventor: Klaus Maler

Art Unit	Examiner
2686	Naghmeh Mahrpour

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

- [ ] applicant/inventor.
- [ ] assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- [X] attorney or agent of record. Registration number _____.
- [ ] attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____

Signature

Peter Zura
Typed or printed name

312-807-4208
Telephone number

November 17, 2005
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

- [ ] *Total of _____ forms are submitted.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Klaus Maler
Appl. No.:	09/509,408
Conf. No.:	3860
Filed:	March 27, 2000
Title:	COMMUNICATION TERMINAL EQUIPMENT FOR WIRELESS COMMUNICATION WITH TRANSMISSION/RECEPTION BASE STATIONS OF DIFFERENT COMMUNICATION SYSTEMS
Art Unit:	2686
Examiner:	Naghmeh Mahrpour
Docket No.:	112740-421

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

This request is submitted in response to the Final Office Action dated June 17, 2005. This request is filed contemporaneously with USPTO form PTO/SB/33, "Pre-Appeal Brief Request for Review" and form PTO/SB/31, "Notice of Appeal."

Remarks begin on page 2 of this paper.

REMARKS

The present request and remarks are submitted in response to the clear errors maintained in the Final Office Action mailed June 17, 2005. No amendments and no new matter are introduced by this paper. Claims 7-12 remain in this application. Of the pending claims, claims 7 and 8 are independent.

Claims 7-12 were rejected under 35 U.S.C. §102(e) as being anticipated by *Jarett et al.* (US Patent 6,735,432). Applicant submits the rejection is improper and should be withdrawn.

Applicant notes that the present application is being Appealed for a second time, wherein the present appeal addresses the newly-cited Jarett reference. Similar to the previous rejections, the interpretation of the prior art in the Office Actioins fail to comport with the features being recited in the present claims.

Claim 7 (and similarly in claim 8) recites a feature where the "network address communicated to the control network address stored in the memory is used for assisting in handling a call intended for the communication terminal apparatus but directed to a communication system via which the communication terminal apparatus cannot currently be reached." For the purposes of illustration, the recited feature is part of "call redirection" in a wireless communication system with at least two subsystems having respective base stations, where a dual-mode communication terminal apparatus is connected to and logged on for wireless communication. The control means of the dual-mode terminal allocate a network address to a recognized subsystem and to a control network address stored in a memory of the terminal. Through the configuration of the network address with the control network address, the re-routing of a destination address can be pre-set (specification page 4 to page 5, line 10).

Jarett is silent regarding the aforementioned feature and provides no teaching on how such a feature could be implemented in a wireless communication system. *Jarett* teaches a system having mobile stations (12) communicating within a cellular network (16) to a regional cellular base station (18), by which it is assigned a mobile identification number, and further to a cordless cellular base station (10), which is assigned to a landline number and connected to a public switched telephone network (15), utilizing the same cellular frequency range and communications protocol (col. 5, lines 26-60). Under *Jarett et al.* there is preferably no handoff

of telephone calls between the regional cellular base station (18) and the cellular network (16) on the one side and the cordless cellular base station (10) and the public switched telephone network (15) on the other side (col. 6, lines 13 to 20). In an alternate embodiment, handoff of telephone calls between the regional cellular network 16 and cordless cellular base station 10 environments is enabled (col. 6, lines 20-22). Nevertheless, the concept of handoff and the recited call redirection are totally different concepts.

Jarett discloses that, when the mobile station comes within the range of the cordless cellular base station (10), it deregisters automatically from the regional cellular base station (18) and the cellular network (16) and registers with the cordless cellular base station (10) (col. 13, lines 4-32). Once the mobile station (12) is communicating with the cordless cellular base station (10) this base station communicates over the regional cellular base station (18) with the cellular network (16) to instruct the cellular network to route all calls for the mobile identification number to the cordless cellular base station's landline number (see Abstract; col. 5, lines 25 to 67 and col. 6, lines 1 to 53). However, the routing is initiated by the cellular network (16) rather than the mobile station (12). The present claims recite that the dual-mode terminal is responsible for the call redirection procedure by allocating the network address to the recognized subsystem and to the control network address. This cannot be equated to the "handoff" interpretation being asserted in the Office Action.

Furthermore, *Jarett* discloses that all calls placed on the mobile station (12) are sent through the cordless cellular base stations to the public switched telephone network (col. 5, lines 46-51). When the mobile station severs contact with the cordless cellular base station (10), the mobile station (12) registers with the regional cellular base station (18) and the cellular network (16). The cordless cellular base station (10) then sends a network forwarding cancellation message to the cellular network (16) to cancel the forwarding of calls for the mobile station's identification number (col. 6, lines 32-38). The teaching of Jarett in this regard, relied upon in the Office Action (col. 14, lines 24-33 and col. 15, lines 33-53) merely details the registration procedure of the mobile station (12) at the cordless cellular base station (10). According to the cited passages, identification data and other data are sent from the cordless cellular base station (10) to the mobile station (12) during a registration procedure, whereupon the received data is compared and stored. *Jarett* is silent regarding the use of a network address communicated to the control network address stored in the memory for assisting in handling a call intended for the

communication terminal apparatus but directed to a communication system via which the communication terminal apparatus cannot currently be reached with the call redirection procedure.

Furthermore, claims 7 and 8 recite "control means" to configure the different addresses (see specification page 7, lines 3-16; ref. "CPU" shown in communication terminal "KE" in the Figure). Under the MPEP, the USPTO must apply 35 U.S.C. 112, sixth paragraph in appropriate cases, and give claims their broadest reasonable interpretation, in light of and consistent with the written description of the invention in the application (MPEP 2181). If a prior art reference purportedly teaches identity of function to that specified in a claim, then the Examiner carries the initial burden of proof for showing that the prior art structure or step is the same as or equivalent to the structure, material, or acts described in the specification which has been identified as corresponding to the claimed means or step plus function (MPEP 2182). If the specification defines what is meant by the limitation for the purposes of the claimed invention, the examiner should interpret the limitation as having that meaning (MPEP 2182).

As was argued above, the dual-mode terminal is responsible for the call redirection procedure by allocating the network address to the recognized subsystem and to the control network address Such a configuration is not taught or suggested in *Jarett*. Accordingly, the rejection under 35 U.S.C. §102 is improper and should be withdrawn.

In light of the above arguments, Applicants submit that the present patent application is in condition for allowance and request a Notice of Allowance be issued. A check in the amount of $500 is submitted herewith to cover the large-entity fee for the Notice of Appeal set forth under 37 C.F.R. §41.31. The Commissioner is authorized to charge and credit Deposit Account No. 02-1818 for any additional fees associated with the submission of this Response. Please reference docket number 112740-421.

Respectfully submitted,

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Dated: November 17, 2005